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BILL TEXT AND BACKGROUND FOR THE WEEK OF MARCH 9, 2009

• H.R. 1262 – Water Quality Investment Act of 2009

• Possible Consideration of H.R. 157 – District of Columbia House Voting Rights Act of 2009

<u>H.R. 1262 – WATER QUALITY INVESTMENT ACT OF 2009</u>(Rep. Oberstar – Transportation and Infrastructure) (Subject to a Rule)

Bill Text: HTML Version, PDF Version

Bill Summary and Status

Rules Committee: Wednesday, March 11, 2009 at 3:30 p.m. in H-313 the Capitol, Meeting Time: 3:30pm Wednesday 3/11, Special Announcement, Amendment Deadline: 1:30 p.m. Tuesday 3/10, Text of bill as Ordered Reported

Committee: Committee on Transportation and Infrastructure

Committee Staff Contact: 5-4472

LEGISLATION AT A GLANCE:

H.R. 1262, THE "WATER QUALITY INVESTMENT ACT OF 2009"

H.R. 1262, the "Water Quality Investment Act of 2009", renews the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure by investing \$18.7 billion over five years in wastewater infrastructure and other efforts to improve water quality. H.R. 1262 increases investment in wastewater infrastructure, reduces the cost of constructing and maintaining that infrastructure, and promotes energy- and water-efficiency improvements to publicly owned treatment works to reduce the potential long-term operation and maintenance costs of the facility.

Specifically, H.R. 1262:

- Authorizes \$13.8 billion in Federal grants over five years to capitalize Clean Water State Revolving Funds ("Clean Water SRFs"). These funds provide low-interest loans and additional loan subsidizations (e.g., principal forgiveness and negative interest loans) to communities for wastewater infrastructure.
- Renews and enhances the requirement that contractors on treatment works projects constructed with any assistance from the Clean Water SRFs will be paid not less than prevailing wages, as determined under the Davis-Bacon Act.
- Re-establishes and enhances the applicability of the Buy America provisions for the construction of treatment works projects funded pursuant to the Clean Water Act.

- ➤ Provides additional subsidies, including principal forgiveness and negative interest loans, for communities that meet a state's affordability criteria, for individual ratepayers that will experience significant hardship from potential rate increases, and for projects that will achieve water-efficiency goals, energy-efficiency goals, stormwater runoff mitigation, or environmentally sensitive project planning, design, and construction.
- Authorizes extended repayment periods (up to 30 years).
- Authorizes technical assistance to rural and small communities to assist them in gaining access to financing wastewater infrastructure.
- Authorizes grants to owners and operators of treatment works to conduct energy and water audits of local treatment operations, and to evaluate opportunities for energy and water conservation.
- Encourages communities to consider alternative and innovative processes, materials, and technologies (including "green infrastructure") that maximize the potential for efficient water use, reuse, and conservation, and energy conservation.
- Encourages long-term asset management planning and financing that will ensure sustainable systems and the potential to reduce overall capital and operation and maintenance costs.
- > Establishes water quality benefits as the primary criterion for determining which projects receive funding, and encourages watershed approaches to solving water quality problems, as well as traditional infrastructure improvements
- Authorizes \$250 million over five years for alternative water sources projects under section 220 of the Clean Water Act.
- Authorizes \$1.8 billion over five years for sewer overflow control grants under section 221 of the Clean Water Act.
- Requires owners and operators of publicly owned treatment works to monitor for, and provide timely notification of sewer overflows to Federal and state agencies, public health officials, and the public.
- Authorizes \$750 million over five years for projects to remediate contaminated sediment in the Great Lakes Areas of Concern.

The vast majority of the provisions contained in H.R. 1262, the "Water Quality Investment Act of 2009", were passed by the House of Representatives in the 110th Congress by significant, bipartisan majorities:

- ➤ H.R. 720, the "Water Quality Financing Act of 2007" passed by the House on March 9, 2007, by a vote of 303 to 109.
- ➤ H.R. 569, the "Water Quality Investment Act of 2007" passed by the House on March 7, 2007, by a vote of 367 to 58.
- ➤ H.R. 700, the "Healthy Communities Water Supply Act of 2007" passed by the House on March 8, 2007, by a vote of 368 to 59.
- ➤ H.R. 2452, the "Sewage Overflow Community Right-to-Know Act" passed by the House on June 23, 2008, by Voice Vote.
- ➤ H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008" passed by the House on September 28, 2008, by a vote of 411 to 9.

House Report 111-:

HTML Version, PDF Version

Full Committee on Transportation and Infrastructure Markup:

<u>Full Committee Markup</u>: H.R. 915, the "FAA Reauthorization Act of 2009"; H.R. 1262, the "Water Quality Investment Act of 2009"; Fiscal Year 2010 Budget Views and Estimates of the Committee on Transportation and Infrastructure; Other matters cleared for consideration, March 5, 2009

- National Journal Report: House Committee Moves to Improve Water Quality
- Summary of Subject Matter, Video of the Markup
- Press Release: T&I Marks Up, Approves FAA, Water Bills

Summary of Committee Votes:

- <u>Chairman Oberstar, D-Minn. Technical Amendment</u> Makes a technical change to the bill. **Adopted by Voice Vote.**
- Rep. Mack, R-Fla. Contractor Wages Amendment Would have struck bill language that would require contractors working on projects financed by the Clean Water State Revolving Fund to pay prevailing local wages, as called for in the Davis-Bacon Act. **Withdrawn.**
- Rep. D. Edwards, D-Md. Green Infrastructure Grants Amendment Would have renamed the section of the bill dealing with sewer overflow control grants as "Sewer Overflow Control and Green Infrastructure Grants." It would have allowed grants for infrastructure to reduce or minimize combined sewer overflows or stormwater pollution by infiltrating, evaporating, or reusing storm water on site. The amendment would have authorized the following amounts for grants: \$150 million for fiscal 2010; \$400 million for fiscal 2011; \$450 million for fiscal 2012; \$500 million for fiscal 2013; \$600 million for fiscal 2014. Withdrawn.
- Vote to Report: Favorably Reported to the Full House, as Amended, by Voice Vote.

Subcommittee on Water Resources and the Environment Markup:

Subcommittee Markup: H.R. 1262, the "Water Quality Investment Act of 2009", March 4, 2009

- National Journal Report: Infrastructure Panel Moves Water Quality Bill
- Full Summary of Subject Matter, Video of the Hearing
- Press Release: Water Subcommittee Approves Major Bill to Invest in Water Infrastructure, March 4, 2009

Summary of Committee Vote:

• Vote to Report: Favorably Reported to the Full Committee by Voice Vote.

CRS Reports:

R40098: Water Quality Issues in the 111th Congress: Oversight and Implementation

GAO Reports:

(TBA)

CBO Report:

(TBA)

Full Committee on Transportation and Infrastructure Hearing:

Sustainable Wastewater Management »

Subcommittee on Water Resources and Environment Hearing, February 4, 2009

Video of the Hearing, Full Summary of Subject Matter

Witness Testimony:

Chariman, James L. Oberstar

Eddie Bernice Johnson, Subcommittee Chair

Mr. G. Tracy Mehan III

Mr. Brian McLean Mr. Rich Brown

Ms. Jeanette A. Brown, P.E., BCEE, D.WRE

Mr. Alan Zelenka

Mr. Andrew Fahlund

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

Summary of H.R. 1262 — Committee on Transportation and Infrastructure

Press Releases, News Articles & Related Information:

(TBA)

Other Resources:

Cosponsors of H.R. 1262

H.R. 157 - DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009 (Rep. Holmes Norton -

Judiciary) (Subject to a Rule)

Bill Text: HTML Version, PDF Version

Bill Summary and Status

Rules Committee: Postponed, Special Announcement, Meeting Time: 5:00pm Tuesday 3/3, Text of Bill

as Reported, Judiciary Committee Report 111-22

Committee: Committee on the Judiciary
Committee Staff Contact: Judiciary 5-3951

LEGISLATION AT A GLANCE:

H.R. 157: "THE D.C. HOUSE VOTING RIGHTS ACT OF 2009"

This week the House will consider the District of Columbia House Voting Rights Act of 2009; a bill that provides District of Columbia residents a permanent vote in the House of Representatives.

District of Columbia residents have been denied full representation in Congress for over 200 years. There are 600,000 citizens living in the District of Columbia who pay billions of dollars in federal taxes. They proudly serve in the military and have sacrificed their lives in every war since the American Revolution. Many District residents dedicate their careers to working for the federal government. Yet these Americans get no vote in Congress.

In order to correct this inequality, the House passed the D.C. House Voting Rights Act during the 110th Congress with a **bipartisan vote of 241 to 177**. In this Congress, the Senate passed its version of the legislation, S. 160, with a vote of 61 to 37 on February 26, 2009.

H.R. 157, "the District of Columbia House Voting Rights Act of 2009"

- ➤ H.R. 157 was introduced by Delegate Eleanor Holmes Norton on January 6, 2009. H.R 157 provides the District of Columbia with a Representative in the U.S. House of Representatives.
- ➤ H.R. 157, beginning in the 112th Congress, permanently increases the U.S. House from 435 to 437 seats, giving one of those seats to the District permanently and the other to the state next in line to increase its Congressional delegation, which is Utah according to 2000 Census data.
- ➤ Utah's seat will be at-large through the 112th Congress so as to not upset Utah's current Congressional districts. In the 113th Congress, the seat will become single-member based on the reapportionment and redistricting that occurs following the 2010 Census. Current Census data suggests that Utah will retain this seat after the 2010 Census.
- ➤ Congress is relying on the Constitution's District Clause Article I, Section 8, Clause 17 to give the District representation in the U.S. House through simple legislation. The District Clause gives Congress exclusive and absolute authority over the District. To fully protect the interests of people living in the nation's capital, the Framers gave Congress broad authority over all matters relating to the federal district under the District Clause. Courts have ruled that this Clause gives Congress "extraordinary and plenary power" over D.C. and have upheld Congressional treatment of D.C. as a "state" for purposes of diversity jurisdiction and interstate commerce, among other things.
- As it pertains to Utah's at-large seat, Congress is relying on Article I, Section 4, which gives Congress ultimate authority over federal elections.

Full Committee on the Judiciary Markup:

Full Committee Markup: H.R. 157, H.R. 110, H.R. 628 and H.R. 1107, February 25, 2009

- National Journal Report: D.C. Voting Rights Bill Clears Judiciary, Moves To House Floor
- Markup Transcript

Summary of Committee Votes:

- Rep. L. Smith, R-Texas Clarify Member Legal Standing Amendment to the Nadler Substitute Amendment Would clarify that members of Congress have a legal standing to challenge the underlying legislation in court. The Nadler substitute amendment would permanently increase the membership of the House of Representatives to 437 in the 112th Congress, by granting a seat to the District of Columbia and another one to the state next in line to receive a House seat based on the 2000 Census apportionment calculations. Rejected 15-15: R 15-0; D 0-15; I 0-0 (Roll Call »).
- Rep. Gohmert, R-Texas Retrocession Substitute Amendment to the Nadler Substitute Amendment Would strike the text of the underlying measure and insert provisions that would retrocede all land in the District of Columbia except the federal buildings back to the state of Maryland. Ruled Not Germane.
- Rep. Sensenbrenner, R-Wis. Redistricting in Lieu of At-Large District Amendment to the Nadler Substitute Amendment Would specify that no special election could occur unless the state that would receive the additional representative has enacted a redistricting plan to take into account additional representatives. It would require the state of Utah to carve out a fourth congressional district instead of electing a representative to the 112th Congress from an at-large district. Rejected 9-19: R 9-0; D 0-19; I 0-0 (Roll Call »).
- Rep. Gohmert, R-Texas D.C. Income Tax Elimination Substitute Amendment to the Nadler Substitute Amendment Would strike the text of the underlying measure and insert provisions that would eliminate the federal income tax for D.C. residents. **Ruled Not Germane.**

- Rep. Gohmert, R-Texas Elimination of Taxes on D.C. Residents Amendment to the Nadler Substitute
 <u>Amendment</u> Would add language to the underlying measure that would eliminate the federal income tax for D.C. residents. Ruled Not Germane.
- Rep. Chaffetz, R-Utah Elimination of D.C. Delegate Amendment to the Nadler Substitute Amendment
 Would eliminate the office of the delegate of the District of Columbia. Ruled Not Germane.
 - Chairman Conyers Motion to Table the Appeal of the Ruling of the Chair Motion to table the appeal of the ruling of the chair that the Chaffetz, R-Utah, amendment was not in order because it was not germane to the bill and not within the committee's jurisdiction. The Chaffetz amendment would eliminate the office of the delegate of the District of Columbia. Agreed to 17-11: R 0-11; D 17-0; I 0-0 (Roll Call »).
- Rep. Issa, R-Calif. Elimination of Utah Representative Amendment to the Nadler Substitute
 Amendment Would strike the provision that would create an additional House seat for the state of Utah. Rejected 12-20: R 12-0; D 0-20; I 0-0 (Roll Call »).
- Rep. Chaffetz, R-Utah D.C. Senate Representation Amendment to the Nadler Substitute Amendment Would add a provision stating that nothing in the measure should be construed to express the sense of Congress that the District of Columbia should have representation in the Senate. Rejected 12-18: R 12-0; D 0-18; I 0-0 (Roll Call »).
- Rep. S. King, R-Iowa Eliminate D.C. Gun Restrictions Amendment to the Nadler Substitute

 Amendment Would amend the D.C. Council's code to eliminate firearm registration requirements and the District's semi-automatic weapons ban. Withdrawn.
- Rep. Nadler, D-N.Y Substitute Amendment Would permanently increase the membership of the House of Representatives to 437, by granting a seat to the District of Columbia and another one to the state next in line to receive a House seat based on the 2000 Census apportionment calculations. The additional seats would be added beginning with the 112th Congress. Based on the 2000 Census reapportionment calculations the state of Utah would receive the new House seat. The substitute amendment would allow D.C. to have additional representatives apportioned by the Census if the population increases. It would specify that future apportionments would be based on 437 seats. It also would provide for expedited judicial review of the legislation. It would clarify that the District remains entitled to three presidential electors in the Electoral College. It would provide that if any provisions of the measure are deemed invalid or unenforceable, the entire measure is deemed invalid. Adopted 24-5: R 7-5; D 17-0; I 0-0 (Roll Call »).
- Vote to Report: Favorably Reported to the Full House, as Amended, by a Roll Call Vote of 20-12: R 0-12; D 20-0; I 0-0 (Roll Call »).

CRS Reports:

RS22628: Congressional Redistricting: The Constitutionality of Creating an At-Large District

<u>RL33824</u>: The Constitutionality of Awarding the Delegate for the District of Columbia a Vote in the House of Representatives or the Committee of the Whole

RS22579: District of Columbia Representation: Effect on House Apportionment

RL33830: District of Columbia Voting Representation in Congress: An Analysis of Legislative Proposals

GAO Reports:

(TBA)

CBO Report:

CBO Cost Estimate: As Ordered Reported by the House Committee on the Judiciary

Committee on the Judiciary Hearings:

H.R. 157, the "District of Columbia House Voting Rights Act of 2009" »

Subcommittee on the Constitution, Civil Rights, and Civil Liberties Hearing, January 27, 2009

Witness Testimony:

Panel I Panel II

Hon. Steny HoyerWade HendersonMajority LeaderPresident & CEO

U.S. House of Representatives

Leadership Conference on Civil Rights

5th District, MD <u>Yolanda Lee</u>

Hon. Jason Chaffetz U.S. Army Guard Captain

U.S. House of Representatives District of Columbia National Guard

3rd District, UT <u>Jonathan Turley</u>

Hon. Louie Gohmert J.B. & Maurice Shapiro Professor

U.S. House of Representatives of Public Interest Law

1st District, TX GW University Law School

Hon. Tom DavisViet DinhU.S. House of RepresentativesProfessor of Law

11th District, VA Georgetown University Law Center

Organization Statements:

Coalition Support Letter, January 14, 2009

List of Organizations Supporting DC Voting Rights

25 Former Elected and Appointed Officials

25 Legal Scholars Support Constitutionality of DC Voting Rights

LCCR, National Urban League and NAACP Letter DC Vote and 28 Coalition Organizations Letter

Leadership Conference on Civil Rights

Religious Action Center of Reform Judaism

People For the American Way

Democracy for Utah

League of Women Voters of the U.S.

National Urban League

DC for Democracy and Democracy For America

International Association of Fire Fighters

League of Women Voters of the U.S.

DC GOP

National Urban League

League of Women Voters

Administration Position:

At the time of this writing, no Statement of Administration Policy (SAP) had been issued for the bill. However, President Obama has been supportive of this legislation in the past, and was a co-sponsor of S. 1257 when he was a Senator in the 110th Congress.

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

House to Vote on DC House Voting Rights Act Next Week

Speaker Pelosi – Press Release, February 25, 2009

Hoyer Announces House to Vote on DC House Voting Rights Act Next Week

Majority Leader Hoyer – Press Release, February 25, 2009

Hover: Time to Keep the Founders' Promise in D.C.

Majority Leader Hoyer – Article, February 22, 2009

Other Resources:

Cosponsors of H.R. 157